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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/903,504 | 07/13/2001 | Pierre S. Boudier | 2198.0110000 | 1764 |
| 26111 | 7590 | 11/30/2004 | EXAMINER | |
| STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | ARNOLD, ADAM | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2671 | |

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/903,504 | BOUDIER, PIERRE S. | |
| | Examiner | Art Unit | |
| | Adam Arnold | 2671 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 October 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3,5-21,23-42 and 44-65 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 64 and 65 is/are allowed.

6) Claim(s) 1-3,5-21,23-40,42,44-61 and 63 is/are rejected.

7) Claim(s) 41 and 62 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____.

DETAILED ACTION

The examiner acknowledges the receipt and entry of the applicant's amendment.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-19, 21, 23-37, 39, 40, 42, 44-58, 60, 61 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopcroft, U.S. Patent No. 6,154,215. Referring to claim 1, Hopcroft discloses a system for optimization of a scene graph (col. 2, lines 56-58), comprising: an optimization base with logic for at least one atomic optimization (see Figure 12, where the diamond shapes represent the atomic optimizations); an optimization registry listing the atomic optimizations (col. 11, lines 5-30) including priority information (col. 11, lines 33-40); an optimization manager for creating, configuring and applying an optimization process (See Figure 12 and col. 3, lines 56-57, where a "computer system upon which the present invention may be practiced is shown...") and an optimization configuration manager for accepting user configuration information (col. 2, lines 32-38) where the user configuration information comprises a selection of an atomic optimization (col. 2, lines 32-38 illustrates where the user makes a selection and the atomic optimization is discussed above). Although Hopcroft does not explicitly disclose listing parameter information associated with the optimization, this can be implied from col. 11, first paragraph beginning on line 5. For example, in step 1202 where

nodes are deleted, the parametric information is implicitly the specific node. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to list parameter information associated with an optimization. One of ordinary skill in the art would have been motivated to do this to allow for more control over the optimization process (see col. 1, line 37, which suggests the prevalence of interactive computer graphics).

Referring to claim 2, Hopcroft discloses a user interface through which a user can provide configuration information to the optimizer (col. 4, lines 55-58).

Referring to claim 3, Hopcroft discloses where the user interface is provided by a modeler, which produces the scene graph (col. 2, lines 50-54).

Referring to claim 5, the remarks presented above with respect to claims 1 and 4 apply equally to this claim.

Referring to claim 6, Hopcroft discloses where the atomic optimization comprises a collapse geometry (Figures 3A, 3B and 3C, where the geometric blocks have been reduced from 3B to 3C).

Referring to claim 7, Hopcroft discloses where the atomic optimization comprises a collapse hierarchy (col. 11, line 14).

Referring to claim 8, Hopcroft discloses where the atomic optimization comprises a convert image optimization (col. 3, line 66).

Referring to claim 9, Hopcroft discloses where the atomic optimization comprises a convert transform (col. 3, line 63).

Referring to claim 10, Hopcroft discloses where the atomic optimization comprises a bounding box (col. 4, line 24, literally bounding “sphere”).

Referring to claim 11, Hopcroft discloses where the atomic optimization comprises a flatten hierarchy (col. 11, line 14).

Referring to claim 12, Hopcroft discloses where the atomic optimization comprises a generate macro texture (col. 10, line 45).

Referring to claim 13, Hopcroft discloses where the atomic optimization comprises a normalize texture coordinates (col. 10, line 45).

Referring to claim 14, Hopcroft discloses where the atomic optimization comprises a promote attribute (col. 10, line 45).

Referring to claim 15, Hopcroft discloses where the atomic optimization comprises a remove attribute (col. 10, line 45).

Referring to claim 16, Hopcroft discloses where the atomic optimization comprises a resize image (col. 6, lines 16-20, where the “geosets” are sections of an object).

Referring to claim 17, Hopcroft discloses where the atomic optimization comprises a shared attributes (col. 8, line 25).

Referring to claim 18, Hopcroft discloses where the atomic optimization comprises a spatial partition (col. 11, line 8).

Referring to claim 19, Hopcroft discloses where the atomic optimization comprises a strip triangles (col. 5, line 42 and see also the rejection to claim 16 above).

Referring to claim 21, the remarks presented above with respect to claim 6 apply equally to this claim.

Referring to claim 23, Hopcroft discloses a method of optimization of a screen graph comprising receiving an input scene graph (col. 2, line 45), creating an optimization process (col.

2, line 58) and optimizing the scene graph in order to increase efficiency of data manipulation, *inter alia* (col. 2, line 59). Otherwise, the remarks presented above with respect to claim 1 apply equally to this claim.

Referring to claims 24-37 and 39, the remarks presented above with respect to claims 6-19 and 21, respectively, apply equally to this claim.

Referring to claim 40, Hopcroft further discloses the step of performing post-optimization processing (e.g. display, col. 4, line 46).

Referring to claim 42, Hopcroft discloses outputting an optimized scene graph (col. 11, line 6).

Referring to claim 44, Hopcroft discloses computer code (col. 3, line 59) for implementing the invention described in claim 22 above. Otherwise, the remarks presented above with respect to claim 23 apply equally to this claim.

Referring to claims 45-58 and 60, the remarks presented above with respect to claims 6-19 and 21, respectively, apply equally to this claim.

Referring to claim 61, the remarks presented above with respect to claim 40 apply equally to this claim.

Referring to claim 63, the remarks presented above with respect to claim 42 apply equally to this claim.

3. Claims 20, 38 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopcroft as applied to claims 1, 23 and 44 above, and further in view of Sowizral, Pub. No. US2002/0063704 A1. Referring to claim 20, Hopcroft does not disclose where one of the atomic optimization comprises a transform alpha optimization. Sowizral discloses where one of the

rendering attributes is an alpha test operation (paragraph 234, line 9). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to rescale alpha values. One of ordinary skill in the art would have been motivated to do this to increase flexibility in the rendering of images.

Referring to claim 38, the remarks presented above with respect to claim 20 apply equally to this claim.

Referring to claim 59, the remarks presented above with respect to claim 20 apply equally to this claim.

Double Patenting

4. Claims 41 and 62 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 64 and 65. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). In the previous office action, the examiner objected to these claims as dependent on a rejected base claim, but indicated they would be allowable if put in independent form. The applicant did this in new claims 64 and 65. Claims 41 and 62 still remain in the application, and should be cancelled.

Allowable Subject Matter

5. Claims 64 and 65 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed October 6, 2004 have been fully considered but they are not persuasive. The applicant argues that Hopcroft does not disclose where the user has any control over the selection of atomic optimizations. The applicant quotes the relevant section of Hopcroft, column 2, lines 32-38. The applicant's interpretation is that the user makes a change in the scene graph and the computer selects and implements the optimization (see page 17 of the Amendment). The relevant sentence states: "When the computer actually goes to render the scene graph, it selects and uses the representation that has been specially optimized for rendering purposes." This passage seems to clearly state that the optimization takes place *prior* to the computer rendering the scene graph. Nowhere does it explicitly state that the computer is selecting the specific optimization.

Regarding the rejection to claims 23 and 44, the applicant argues at the bottom of page 17 that Hopcroft does not teach user input identifying an atomic optimization and associated parameters. As pointed out earlier, even though there is a separate optimization representation in Hopcroft, user input goes towards configuring the atomic optimizations. Finally, the applicant disputes, at the top of page 18, the contention that Hopcroft discloses a computer system to create and configure an optimization process. The relevant passage teaches "a computer system

upon which the present invention may be practiced" (col. 3, lines 56-57 of Hopcroft). The merits of the "present invention" appear to rest on the question of whether Hopcroft teaches user configuration of an optimization process, which has been discussed above.

The rejection to these claims stands.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Arnold whose telephone number is 703 305 8413. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached on 703 305 9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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